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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,860	09/30/2003	Stephen R. Whynot	15994RRUS01U (NORT10-0030	6275

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EXAMINER	
LAZARO, DAVID R	
ART UNIT	PAPER NUMBER
2455	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,860	WHYNOT, STEPHEN R.	
	Examiner	Art Unit	
	DAVID LAZARO	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-11,13-15,17,18 and 20-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-11,13-15,17,18 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/20/09, 5/20/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 02/20/09.

2. Claims 1, 4, 8, 13, 15, 20 were amended.

3. Claims 3, 12, 16, 19 are canceled.

4. Claims 21-23 are new claims.

5. Claims 1-2, 4-11, 13-15, 17-18 and 20-23 are pending in this office action.

Response to Amendment

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

7. The IDS filed 02/20/09 and 5/20/09 has been considered by the examiner.

Claim Objections

8. Claim 4 is objected to because of the following informalities: Please correct the dependency of claim 4 as Claim 3 is now canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 2, 4, 7, 8, 10, 11, 13-15, 17, 18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable U.S. Patent Application Publication 2004/0236574 by Ativanichayaphong et al. (hereinafter Wilson) in view of U.S. Patent 6,201,562 by Lor (Lor) and U.S. Patent Application Publication 2003/0236906 by Klemets et al. (Klemets).

11. With respect to claim 1, Wilson teaches a method for providing multimedia prompting in a communication system, comprising:

providing a first multimedia prompt to a video client, the first multimedia prompt comprising a first video clip and first audio information associated with the first video clip (Page 2 [16]-[19]), the multimedia prompt associated with a service requested by the video client (Paragraph 18, 26);

receiving information from the video client in response to the first video clip (paragraphs 19-21);

providing, in response to at least a portion of the information received from the video client, a second video clip to the video client, the second video clip including at least a portion of the information received from the video client (paragraphs 19-21).

While Wilso teaches different CODECs may be used for the multimedia data (Paragraph 30), Wilson does not explicitly disclose identifying, through negotiation with the video client, a CODEC to be used to communicate with the video client; and retrieving from memory at least a portion of at least a one of the first multimedia prompt and the second multimedia prompt having been encoded using the identified CODEC and stored in the memory thereafter, the at least a portion stored in memory also having

been encoded using a second CODEC different from the identified CODEC and stored in the memory thereafter.

Lor teaches that communications involving video clients can include a negotiation for the CODECS related to audio and video to be used for a particular session (Col. 8 lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Wilson and modify it as indicated by Lor such that it further comprises negotiating with the video client to identify one or more CODECs to be used to communicate with the video client. One would be motivated to have this, as it is typically a part of communication protocols related to multimedia communications systems (In Lor: Col. 8 lines 17-28 and In Wilson paragraph 18).

Klemets teaches storing multiple versions of multimedia data. This includes, for example, multiple encodings of video data (Pargraph 39).

It would have been obvious to one of ordinary skill in the art to have the video data of Wilson stored in multiple encoded versions of the video data as taught in Klemets. Using the known technique of storing multiple versions of encoded data to provide for user and technical preferences would have been obvious to one of ordinary skill in the art.

12. With respect to claim 2, Wilson teaches the method of claim 1 and further teaches providing second audio information associated with the second video clip, the

second audio information selected in response to at least a portion of the information received from the video client (In Wilson: Page 2 [16]-[19]).

13. With respect to claim 4, Wilson teaches the method of claim 1 and further teaches wherein: the first audio, the second audio information, the first video clip and the second video clip are each encoded and stored using the identified CODEC and are each encoded and stored using the second CODEC (In Lor Col. 8 lines 17-28 and in Klemets Paragraph 39 - based on the logic of the combination presented above).

14. With respect to claim 7, Wilson teaches the method of claim 1 and further teaches providing a third video clip requesting confirmation of the information received from the video client (In Wilson: Page 2 [0021]-[0022])

15. With respect to claim 8 and 15, Wilson teaches a computer program (and corresponding apparatus) embodied on a computer readable medium and operable to be executed by a processor, the computer program comprising computer readable program code for:

receiving first information from a video client (Page 2 [16]-[19]), the first information associated with a service requested by the video client (Paragraph 18, 26);

receiving second information from the video client (paragraphs 19-21); and

providing a dynamic multimedia prompt to the video client, the dynamic multimedia prompt comprising a first video clip and first audio information associated with the first video clip, at least a portion of the dynamic multimedia prompt selected based at least partially on the first information received from the video client, and a

second video clip including at least a portion of the second information received from the video client (paragraphs 16-21).

While Wilso teaches different CODECs may be used for the multimedia data (Paragraph 30), Wilson does not explicitly disclose identifying, through negotiation with the video client, a CODEC to be used to communicate with the video client; and retrieving from memory the dynamic multimedia prompt having been encoded using the identified CODEC and stored in the memory, thereafter, the dynamic multimedia prompt also having been encoded using a second CODEC different from the identified CODEC and stored in the memory.

Lor teaches that communications involving video clients can include a negotiation for the CODECS related to audio and video to be used for a particular session (Col. 8 lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Wilson and modify it as indicated by Lor such that it further comprises negotiating with the video client to identify one or more CODECs to be used to communicate with the video client. One would be motivated to have this, as it is typically a part of communication protocols related to multimedia communications systems (In Lor: Col. 8 lines 17-28 and In Wilson paragraph 18).

Klemets teaches storing multiple versions of multimedia data. This includes, for example, multiple encodings of video data (Pargraph 39).

It would have been obvious to one of ordinary skill in the art to have the video data of Wilson stored in multiple encoded versions of the video data as taught in Klemets. Using the known technique of storing multiple versions of encoded data to provide for user and technical preferences would have been obvious to one of ordinary skill in the art.

16. With respect to claim 10, Wilson teaches the computer program of claim 8, wherein the first video clip requests the second information from a user of the video client and the second video clip displays the second information received from the video client (In Wilson: Page [19]-[21]).

17. With respect to claim 11, Wilson teaches the computer program of claim 8 and further teaches providing a third video clip requesting confirmation of the second information received from the video client (In Wilson: Page 2 [0021]-[0022]).

18. With respect to claim 13, Wilson teaches the computer program of Claim 8, wherein: the multimedia prompt comprises a plurality of video clips, each of the video clips encoded and stored using the identified CODEC and each encoded and stored using the second CODEC each compressed using one or more CODECs (In Lor Col. 8 lines 17-28 and in Klemets Paragraph 39 - based on the logic of the combination presented above).

19. With respect to claim 14, Wilson teaches the computer program of claim 13 and further teaches wherein the computer readable program code for determining whether the video client supports one or more of the CODECs used to compress the video clips comprises computer readable program code for determining whether one or more

preferred CODECs were used to compress the video clips (In Lor Col. 8 lines 17-28 and col. 10 lines 18-28: negotiations are for preferable codecs based on available bandwidth).

20. With respect to claim 17, Wilson teaches the apparatus of claim 15, wherein the first video clip requests the second information from a user of the video client (In Wilson: Page 2 [19]-[21]); the second video clip displays the second information received from the video client (In Wilson: Page 2 [19]-[21]); and the one or more processors are further collectively operable to provide a third video clip requesting confirmation of the second information received from the video client (In Wilson: Page 2 [0021]-[0022]).

21. With respect to claim 18, Wilson teaches the apparatus of claim 15 and further teaches the one or more processors are collectively operable to provide the dynamic multimedia prompt to the video client by providing second audio information associated with the second video clip; the second audio information including at least a portion of second information received from the video client (In Wilson: Page 2 [16]-[19]).

22. With respect to claim 20, Wilson teaches the method of claim 15 and further teaches wherein: the first audio information, the second audio information, the first video clip and the second video clip are each encoded and stored using the identified CODEC and are each encoded and stored using the second CODEC (In Lor Col. 8 lines 17-28 and in Klemets Paragraph 39 - based on the logic of the combination presented above).

23. With respect to claim 21, Wilson teaches the method of Claim 3, wherein the negotiation with the video client includes determining whether the video client supports one or more of the CODECs used to encode the at least a portion of at least a one the

first multimedia prompts and the second multimedia prompts (In Lor: Col. 8 lines 17-28: point of negotiation is to determine the supported codecs for the session).

24. With respect to claim 22, Wilson teaches the computer program of Claim 8, wherein the negotiation with the video client includes determining whether the video client supports one or more of the CODECs used to encode the dynamic multimedia prompt (In Lor: Col. 8 lines 17-28: point of negotiation is to determine the supported codecs for the session)..

25. With respect to claim 23, Wilson teaches the apparatus of Claim 15, wherein the negotiation with the video client includes determining whether the video client supports one or more of the CODECs used to encode the dynamic multimedia prompt (In Lor: Col. 8 lines 17-28: point of negotiation is to determine the supported codecs for the session)..

26. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Lor and Klemets and in further view of U.S. Patent 6,259,469 by Ejima et al. (Ejima).

27. With respect to claim 5, Wilson in view of Lor and Klemets teaches the method of claim 1 wherein the information received from the video client comprises a plurality of numerals; and the second video clip comprises displaying the numbers (In Wilson paragraphs 19-21, 25 and 26).

Wilson in view of Lor and Klemets does not explicitly disclose the second video clip comprises a plurality of second video clips each displaying one of the numerals.

Ejima teaches a plurality of video clips each displaying a numeral from a telephone number entered by a user (Col. 16, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the second video clip of Wilson be a plurality of second video clips each displaying one of the numerals as taught by Ejima. Using the known technique of a plurality of second video clips to display numerals to provide the confirmation prompt desired by Wilson would have been obvious to one of ordinary skill in the art.

28. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Lor and Klemets and in further view of U.S. Patent Application Publication 2003/0232245 by Turak et al. (Turak).

29. With respect to claim 6, Wilson in view of Lor and Klemets teaches all the limitations of claim 1, but does not explicitly disclose wherein the first video clip comprises a video clip of a person requesting the information and a video clip of the person waiting for the information.

Turak teaches a video prompt can include a person asking the question (Page 2 [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rhee in view of Wilson and modify it as indicated by Turak such that it further comprises wherein the first video clip comprises a video clip of a person requesting the information and a video clip of the

person waiting for the information. One would be motivated to have this, as it provides a design alternative for Wilson to the typical presentation of a question through an interface (In Turak: Page 2 [0023]).

30. With respect to claim 9, Wilson in view of Lor and Klemets teaches generically the use of any type of video prompt (In Wilson paragraphs 16-21), Wilson in view of Lor and Klemets does not explicitly disclose that the first and second video clip includes an image of a person.

Turak teaches that a video can include an image of a person ([0018], [0020], [0022]).

It would have been obvious to one of ordinary skill in the art to have the first and second video clips of Rhee in view of Wilson include an image of a person as taught by Turak. Using a known content of video such as an image of a person to convey a video prompt as desired by Wilson would have been obvious to one of ordinary skill in the art.

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Primary Examiner, Art Unit 2455
5/22/09